



City of Carmel

Carmel Board of Zoning Appeals Regular Meeting Monday, August 28, 2006

The regularly scheduled meeting of the Carmel Board of Zoning Appeals met at 6:00 PM on Monday, August 28, 2006, in the Council Chambers of City Hall, Carmel, Indiana. The meeting opened with the Pledge of Allegiance.

Members in attendance were Kent Broach, Leo Dierckman, James Hawkins, Earlene Plavchak and Madeleine Torres, thereby establishing a quorum. Angie Conn and Mike Hollibaugh represented the Department of Community Services. John Molitor, Legal Counsel, was also present.

Mrs. Torres moved to approve the minutes of the July 24, 2006 meeting as submitted. The motion was seconded by Mr. Hawkins and **APPROVED 5-0.**

G. Reports, Announcements, Legal Counsel Report, and Department Concerns **1g.** proposed amendment to Rules of Procedure

Mrs. Conn reported that a memo had been included with the Board's mailing regarding the BZA Rules of Procedure Amendment. The Department would like the Board to discuss that item as time allows.

2g. vote to remove item from Hearing Officer agenda – Townes of Weston Pointe Temporary Signs

Mrs. Conn reported that the Department would like the Board to vote to remove **Docket Nos. 06010030 V and 06010031 V The Townes of Weston Point** from the Hearing Officer agenda.

Mrs. Conn also reported that two items on the agenda, Items 4-5h. Lubavitch of Indiana Worship Center and Items 6-9h. Pearson Ford Complex, will need a vote to suspend the BZA Rules of Procedure as the Petitioner was no able to place a Public Hearing Notice sign on the properties.

Mr. Molitor gave the Legal Report. He recommended the Board vote on the Public Hearing Notice issues in advance so that the Petitioner will know if the items will be able to be heard at this meeting.

Mr. Hawkins asked the Petitioner the cause of the lack of sign notification.

Dave Coots of Coots, Henke and Wheeler, 255 E. Carmel Drive, Carmel was the representative for both petitions. For Items 4-5h, he stated the adjacent properties were noticed pursuant to the list from the Land and Mapping Transfer Office and the Public Notice was published. However, the requirement that the sign be placed on the property was not complied with. He was not aware that the Department no longer did that and that it was his responsibility to place the sign on the property. The same issue existed for Items 6-9h. He did not place a sign on the property. There were people present for Items 4-5h. If the Board determined not to suspend the Rules for the placement of the sign, he asked that the

Public Hearing be opened and that those people who were present hear the presentation and have their input. The Public Hearing could be continued to allow him time to post a sign on the property and the vote postponed until the next meeting. If the sign engenders any additional interest in the project, it could be heard at the September meeting.

Mr. Molitor stated that the requirement that additional notice be placed on the property was a fairly new requirement. The additional benefit to the public is that it comes to the attention of the people who drive by on a regular basis. If there were persons present who felt they had been disadvantaged, then he felt they should let the Board know at this time.

Mrs. Torres asked when the rule changed from the Staff placing the signs to the signs being the Petitioner's responsibility.

Mr. Molitor thought it was April 2005.

Mr. Dierckman was surprised that it had been that long.

Mrs. Conn stated that the Department had been placing the signs as a favor to the Petitioner until April or May of 2006.

Mr. Dierckman asked if there was a breach of State Law relative to this issue or was it just further embellishment for notifying people.

Mr. Molitor stated that it is not a State requirement. A number of jurisdictions have a similar rule, but it is a local option.

Mr. Hawkins asked if anyone had been disadvantaged.

Steve Noone, 9653 Cypress Way, Carmel. Their property is adjacent to the Lubavitch property and they did not receive a notice. The notice they received was from their internal community association sharing the information. As far as he knew, none of the other residents received notice.

Before the meeting, Mr. Coots had given to the counselor for the Association, a copy of the list of properties that the Hamilton County and Marion County people certified as "please notify the following persons". The Shelborne Green Community Association, Inc. was listed by the Hamilton County Auditor's Office as the person to receive the notice. He had not noticed that the letters did not go to the individual owners; however, that was what the Hamilton County Auditor's office certified as the Hamilton County complete tax report. He understood from what the Auditor's office showed, the individual property owners were to receive the information through their association. He could not prove that an individual letter was sent to each of the homeowners.

Maureen Johnson did receive the letter and thought it was rather vague. She thought it was just some property across the street from her. She lives in North Point Bay Condominiums in Indianapolis. She thought it was the single dwelling house that has been empty since at least 1999.

Mr. Broach felt Mr. Coots had a good solution. Since everybody was here, he wanted to hear the presentation. The public could speak if they would like to. The Board could keep the Public Hearing

open so that when Mr. Coots does post the Notice, additional people can come to remonstrate. The Board could vote at the next meeting so that everybody gets a chance to have their say.

Mr. Dierckman asked about Pearson Ford and if any remonstrators were present.

Mr. Coots stated that he had spoken with a property owner on US 421 inquiring as to where the signs were going to be located. He had not received any other contact. In the spirit of consistency, he would make the same proposal.

Mr. Molitor stated it was within the Board's discretion to make such a compromise. They could conduct the Public Hearing and suspend the Rules to allow the Hearing to go forward without the additional Notice, but require the Notice be given before the next meeting. The Hearings could be continued and then take a vote after the Hearing is completed at the next meeting.

Mr. Dierckman moved to suspend the Rules and hear Items 4-5h and Items 6-9h, continue them and leave the Public Hearings open until the next meeting. The motion was seconded by Mr. Hawkins and **APPROVED 5-0.**

Rules & Procedures: Mr. Molitor felt that in deference to those who were at the meeting to speak on Public Hearing items, the Board could delay any discussion about changes to the Rules of Procedure until the end of the meeting.

Mr. Molitor gave the Legal Report. It had come to his attention that the members of the Board had directly received materials from one of the Petitioners. As the Board is aware from going through this earlier in the year with another matter, that does not comply with State law. He did not feel the items had a direct bearing on the Petitions and recommended the Board make a motion to strike the items from the record. Any copies received could be turned in to the Staff and not taken into account, since they were sent to the Board outside the window allowed by State law.

Mr. Hawkins moved to strike the items from the record and give them back to Staff. The motion was seconded by Mr. Dierckman and **APPROVED 5-0.** (Four copies were given to Staff. Mr. Broach did not bring his copy.)

Mr. Molitor had handed out letters to each of the Board members who were involved in the Martin Marietta matter, excluding Mr. Broach. He would like to discuss it briefly with each Board member individually to make sure there is complete understanding as to what that relates to. It has to do with discovery process with that litigation. He and the other attorneys for the City had met with the Magistrate that morning at the Federal Court House. They went over the case management plan with him and the attorneys for Martin Marietta. At this point in time, and these things do have a way of getting delayed, discovery is scheduled to be completed by May 2007 and trial is tentatively scheduled for December 2007. That is assuming they do not have motions to dispose of the litigation. He will keep the Board apprised if any of the Board needs to be involved in the process. Also, Mr. Tom Yedlick has filed a motion for continuance in regard to the other matter that he had previously filed when he asked for time to present his appeal regarding the Director's docketing of the Martin Marietta matter last fall. There was a brief hearing on this matter in February and the Court declined to give Mr. Yedlick any remedy and said that he would have an opportunity to speak at the hearing, which in fact he did. The Court did not dismiss the case and Mr. Yedlick has filed this motion for continuance. He

recommended they wait and see if Martin Marietta wants to respond to it. He did not want to do anything at this point to assist Martin Marietta.

Mr. Hawkins moved to remove, **The Townes of Weston Point, Docket Nos. 06010030 V and 06010031 V** for temporary signs, from the Hearing Officer agenda. The motion was seconded by Mr. Dierckman and **APPROVED 5-0.**

H. Public Hearing:

1-3h. TABLED UNTIL OCT. 23: Cingular Wireless Communications Tower

~~The applicant seeks the following special exception and development standards variance approvals:~~

~~**Docket No. 06040014 SE Chapter 20H.02 Special Exception Uses**~~

~~**Docket No. 06040015 V Chapter 25.13.1.B.i Distance from Residential Property**~~

~~**Docket No. 06050009 V Chapter 25.13.01.3 Tower landscape requirements**~~

~~The site is located at Brookshire Golf Course, northwest of 116th St. and Gray Rd.~~

~~The property is zoned P-1/Parks & Recreation.~~

~~Filed by Jim Buddenbaum of Parr Richey Obremskey & Morton for Cingular.~~

4-5h. Lubavitch of Indiana Worship Center

The applicant seeks approval for the following special use & development standards variance approvals:

Docket No. 06050007 SU Chapter 5.02 Special Uses

Docket No. 06050008 V Chapter 5.04.03.E.2 Minimum Lot Width

The site is located at 2640 W 96th Street and is zoned S-1/Residence.

Filed by Dave Coots of Coots, Henke & Wheeler, P.C.

Present for the Petitioner: Dave Coots, 255 E. Carmel Drive, Carmel. Also in attendance were Rabbi Grossbaum and his wife, Nini, and the architects Mark Swanson and Dennis Lockwood from Mark Swanson & Associates. The engineering work had been done by DeBoy Land Development Company. The parcel is long and narrow. It is bordered on the north by a private residence; the east by the College Park Baptist Church expanded parking area and Shelborne Green subdivision on the west. It is 135 feet in width along 96th Street which meets the Ordinance for purposes of a single family residence. However, for a use other than single family, it needs to be 200 feet. A site plan was shown. They propose to construct a Jewish Orthodox place of worship and learning center that enters off 96th Street. They will dedicate road right-of-way pursuant to the transportation ordinance of 50 feet per half. They will also install their portion of a multi-purpose path and connect it to their facility by a sidewalk. The building will be located beyond the front yard setback of 96th Street and the parking area will be located to the rear/north of the building. The project will occupy approximately 50 percent of the property. Nothing is planned for the remainder of the property. It is contemplated that future parking or recreational activities could be located on that section. The single-story structure will be brick and EFIS in earth tones. The two-story component will be above the front gathering area and the office area. It will potentially house overnight visiting guests, who by reason of religious constraints are not permitted to travel on certain days. They will be able to stay in a two-bedroom facility. There are ground lights along the sidewalk area. There are building sconce lights on the structure. There are four eighteen-foot pole lamps with down directional lighting for the parking area. The photometric prescribes that none of the lighting exceeds the half-foot candle. They will maintain the existing tree buffer along the west property line and add to it per the planting schedule. An additional 14 trees and 30 shrubs will be planted along the perimeter and building foundation. It is their intention to maintain this as a solid visual buffer between their proposed use and the neighboring properties. The balance of

the requirements is per the Carmel landscape ordinance. The building will be 14,200 square feet. The religious service/gathering area will be in the front/south portion of the building. A kitchen facility for preparing meals for gatherings and the child learning rooms are within the balance of the building. It will not only serve as a worship area, but also for training of students in the Jewish Orthodox faith. They have maintained the building setback requirements on the west. The variance is for the setback along the east property line.

Remonstrance:

Andy Osterholzer, 9643 Cypress Way in Shelborne Green. Consensus of the neighbors is concern about the proximity of the building, parking lot and building lights, destruction of the woodlands, and possibly deteriorating the values of the neighboring parcels. When he checked with the City prior to purchasing his home in Shelborne Green, he was assured it would only be a single family residence. He felt other neighbors thought the same thing.

Maureen Johnson, 2570 Chaseway Court, Indianapolis, across the street from the parcel. She has seen a red fox and deer in the area. Building the church would destroy this wonderful unique area. College Park Church has been there for eons and they leave the neighbors alone. She was worried about the traffic along 96th Street. It is especially heavy when there are accidents on the interstate and other times of the day. There is an added traffic problem on Sundays with the church. There was concern several years ago when they considered widening 96th Street and she didn't know when or if that would happen.

Steve Noone, 9653 Cypress Way. He had given the Board a brief letter stating their concerns. They have lived there since the community was built. They were concerned about the size of the property, the security lighting, and drainage and run-off from the parking lot. Their lot has a swale in the back and a drain to the south of their property, so they were concerned about the excess water run-off. They were also concerned about the wooded vegetation and many large trees. The attorney has said there are no current plans for the use of the other 50 percent of the property; they are concerned about uses in the future that would destroy the vegetation.

Robert McLaughlin, 9649 Cypress Way. He agreed with the concerns that were just mentioned: the light pollution, drainage and particularly the significant amount of the variance for the width of the property. It is practically 50 percent less than what is required. He felt it would be detrimental and raised concerns for safety of those using the property, if there is only one way in and out. He was also concerned about the proximity to the individual homeowner parcels that border the proposed site. He felt it would be detrimental to property values.

Steve Hantz, 9605 Cypress Way. He agreed with the others. He had also checked the zoning of the parcel and was told it was residential and would most likely stay that way because of the width of the property. Their lot is adjacent to the location of the two-story building that is to be constructed. They can currently see the entire property during the winter season, so having the existing tree line does not block the view or the lighting of the adjacent property. They wondered if it was necessary for the building to be two-stories due to the length of the lot. One story would significantly reduce the visibility of the building from Shelborne Green. He also had a letter for the Board.

Iftekhar Kalsekar, 9609 Cypress Way. He agreed with the others. A good point was made about the privacy aspect. In the fall and winter, even with a lot of trees, it does not give the area privacy from a

two-story building. They were also told by the realtor when they bought their property that it was residential and probably would not be a commercial use.

Rebuttal:

Mr. Coots stated that as for the proximity to the neighborhood, they do meet the setback on the west property line for the type of use that they propose. He understands when realtors and people inquire as to the zone classification of a particular property and are told it is residential. However, the Ordinance provides that there are special uses permitted once you follow the process. A church, temple or other place of worship is within that special use in the Ordinance. This process is to see that the special use they propose complies with the considerations the Board is to give in granting a special use. They do exist within single family zoned classifications. As to the traffic on 96th Street, they are showing proposed lanes on their site plan, which TAC has approved for drainage, acceleration/deceleration and the additional right-of-way. This use, unlike a residential use, will address traffic issues that may occur on 96th Street. The security lighting and the vegetation on the balance of the property comply with the landscape requirements of the Ordinance in terms of the landscape material that they will add in order to develop the site. If there is future development on the north half of the property, it would have to also comply with the landscape requirements of the number of trees per linear foot along the perimeter that abuts a single-family use. As to the pollution or drainage issue, they have met with TAC and satisfied their requirements. The parking lot drainage is retained on site and will be discharged. Mark Swanson can answer any questions. It does comply with the Ordinance requirement for the rate of flow from the land as developed being no greater than its present undeveloped state. As a single-family residential use, it has been abandoned for some time. As to the affect on the value of the properties in the neighborhood, the College Park Baptist Church is a far greater impact on the neighborhood. The proposed building is equal in height to many of the residences in the Shelborne Green Subdivision. They are more of a residential appearing use than the Baptist Church. That is a matter of aesthetics.

Mr. Hawkins suggested the Petitioner try to get together with the neighborhood in the next four weeks to come up with some sort of agreement.

Mr. Coots stated that they had attempted to use the Twin Lakes clubhouse to set up a meeting, but nothing materialized. He did deliver the packet to an adjacent homeowner and spoke with her again today to see if the Homeowners Association had a meeting. He thought the Homeowners Association was having a meeting the next night, Tuesday, August 29.

The Public Hearing remained open.

6-9h. Pearson Ford Complex - Nottingham Plaza

The applicant seeks the following development standards variance approvals:

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| Docket No. 06070020 V | Chapter 25.07.02-11.d.i | Center ID sign height |
| Docket No. 06070021 V | Chapter 25.07.02-11.g | Center ID sign - changeable copy |
| Docket No. 06070022 V | Chapter 25.07.02-8(b) | 2 signs oriented south - Performance Collision |
| Docket No. 06070023 V | Chapter 25.07.02-8(b) | 2 signs oriented south - Quick Lane |

The site is located at 10650 N. Michigan Rd. and is zoned B-3/Business within the US Hwy 421 Corridor Overlay. Filed by Dave Coots of Coots, Henke & Wheeler. P.C.

Present for the Petitioner: Dave Coots, 255 E. Carmel Drive, Carmel. A site plan was shown. They have been before the Plan Commission and they have approved the construction of a Performance

Collision Center. It will be a 20,000+ square foot building to be constructed on a street to be known as Nottingham Way that connects from 106th Street around to US 421. The development has a potential of going north to connect into what could be the future home of Wal Mart or an unknown. They have planned their connectivity with the neighbor to the north. In the ADLS process for this development and future development in this area, they were required to submit their overall sign package. A site plan and chart were shared showing the existing signs, those that would be removed and the ones subject to the variances. The ground sign at the entryway for the Performance Collision Center needs a variance because it will be the second sign on the 106th Street elevation. There is a wall sign on the south end of the building which is 500 feet from 106th Street. The Plan Commission has approved the appearance, color and configuration. The size of the sign meets the Ordinance. The second variance is for the sign at the Nottingham Plaza entrance off US 421 because it exceeds the height of the Ordinance which is eight (8) feet. The new sign would be ten (10) feet eight (8) inches tall. They seek a sign with changeable copy that will permit the change in the identity of tenants for the future development. The third variance relates to the Quick Lane sign which is to be located at the eastern entryway off 106th Street. This portion of the building is being converted from an existing service area/showroom area with an overhead door. The entire façade of that side of the building is being upgraded and a Quick Lane service facility being installed. It will have a sign over the building indicating the Quick Lane location. They are asking for a second sign on this 106th Street elevation. It will be a ground sign indicating it is the entryway for the Quick Lane. The signs have been submitted to and approved by TAC.

Mr. Dierckman left the meeting.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing remained open.

10-14h. Renaissance Hotel

The applicant seeks the following development standards variance approvals:

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| Docket No. 06070014 V | Chapter 27.08 | reduced # parking spaces |
| Docket No. 06070015 V | Chapter 25.07.02-8(b) | total # signs |
| Docket No. 06070016 V | Chapter 25.07.02-8(c) | sign square footage |
| Docket No. 06070017 V | Chapter 25.07.02-8(d) | ground sign height |
| Docket No. 06070018 V | Chapter 25.07.02-8(b) | signs oriented north/south |

The site is located at 11911 N. Meridian St. and is zoned B-6/Business within the US Hwy 31 Corridor Overlay. Filed by Terry Dammeyer of Winegardner & Hammons, Inc.

The Petitioner set up their display boards.

Mr. Dierckman returned to the meeting.

Present for the Petitioner: Paul Reis, Bose McKinney & Evans, 600 E. 96th Street, Suite 500. Also present from Winegardner & Hammons, Inc. were Keith Daub, President & COO; Terry Dammeyer, Senior Vice President Construction; Jeff Eagle, Vice President Construction; and Jeff Veigl, Project Architect. He stated that the mailing that was made to the Board was purely informational and was not in any way intended to circumvent the State Law regarding communication with the Board of Zoning Appeals. It was not intended to be a part of the record and was not filed with the Department of Community Services. Winegardner & Hammons has over 40 years of experience in the business of

full-service hotels and conference facilities. They are proposing the first full-service hotel and conference center within the US 31 Overlay Zone, adjacent to US 31 and immediately west of the intersection of 122nd Street and Pennsylvania Street. This proposed development of 263 hotel rooms with over 13,000 square feet of conference and meeting rooms will address the critical need for the continued development and success of the corridor. It will fulfill the goal of the City Council when they amended the Overlay Zone to specifically permit only full-service hotels within the corridor. This proposed development will be a destination and full-service hotel and conference center.

Keith Daub, 4243 Hunt Road, Cincinnati, OH. They have been an independent, privately held owner and operator of hotels for over 40 years. They are unique in that they develop, design, build and operate their hotels. They build only upscale, full-service, four-star hotels. This hotel will have more sleeping rooms than any of the other hotels in the corridor. There are significant dollars committed to the infrastructure to provide a three meal-a-day restaurant, a full-service lounge, and approximately 14,000 square feet of meeting facilities. This product is unique in that it satisfies both the business traveler as well as the local community. They have developed and built eleven (11) proprietary designed prototype hotels since 1996. Today it is very difficult to develop a full-service hotel. It is a significant investment and with cost of construction, it puts pressure on their ability to design new full-service hotels. They are asking for some very specific needs so that this hotel can be fiscally successful. It will provide a first-class facility for the local community for meals, meetings, receptions, etc. Their number one priority is customer satisfaction. This hotel has received many awards for design and service.

Terry Dammeyer shared a site plan. The first variance is a reduction in the parking spaces from the calculated amount of 461. They are requesting 400 parking spaces because they have built this hotel eleven times. The only difference is that the others were 295 rooms and this one will be 263 rooms. They have studied dozens of days at the other eleven hotels when they have 100 percent occupied hotel rooms. These were typically a Saturday evening with a major function in the ballroom, such as a wedding. The highest occupancy they have experienced in their audits is 390 spaces. They are comfortable with only 400 spaces for this hotel with 32 less rooms. Copies of the audit were distributed to the Board. He indicated the parking locations on the site plan.

Mrs. Plavchak asked if the 400 included parking for the employees.

Mr. Dammeyer confirmed they were in the total and located in the back of the hotel.

Mr. Dammeyer shared the sign package. They are requesting a 6 feet tall by 60 feet 2.5-inch internally illuminated channel letter sign. It is high quality and fits the size and scope of the building. The building is 250 feet long by over 80 feet high. The sign is only two (2) percent of the overall elevation. Their difficulty is the eleven-letter Renaissance name. If it were a shorter name, it would not need the variance. They want it to be readable and visible. They are requesting two signs, one on the north and one on the south elevations. They need a variance for the relocation of these signs from the east and west facades. He shared a chart showing the readability and visibility of various sized signs from different distances. The six-foot sign is readable and visible from 3000 feet. Equally important from the chart, if the hotel was 55 feet tall, it would be equivalent of a four-foot sign. The scale and size of the hotel creates the request. The last variance is for the entrance drive sign. The sign would be 10 feet tall by 7 feet 5.5 inches wide. It will be a high quality, internally lit sign with appropriate landscaping. They need it to be visible.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The Department is in favor of the variance request for the reduction in parking spaces. The Petitioner knows their product well and will be able to park the adequate number of cars on the site. The Department is also in favor of the wall sign orientation on the north and south facades. They understand Pennsylvania Street and Meridian Street are the streets for potential customers. The Department is in favor of the ground sign height and square footage. The only concern of the Department is the square footage of the wall signs. The Department Report included a graphic prepared showing the large signs in the Meridian corridor. The largest sign is Clarian North Medical Center which is twenty-five (25) letters in width and it is 198 square feet. It is that square footage because it is part of a PUD; otherwise it would probably have to be 120 square feet in area. The Department recommends negative consideration of the variance for the wall sign square footage. But if the Board does approve the variance, the Department recommends a maximum letter height of 4.47 feet to give the sign approximately 199.8 square feet. That is an approximate 45 percent reduction in square footage per sign. The Department recommends positive consideration of the other three dockets.

Mr. Dierckman asked the maximum occupancy at any one point for the ballrooms, if they were all being used.

Mr. Dammeyer stated it was approximately 300 for an evening wedding function. A daytime stand-up function would accommodate more than 300.

Mr. Dierckman asked the maximum permitted under the life safety code and the maximum for a daytime stand-up function.

Mr. Dammeyer did not know the maximum number for the life safety code. It would be in the local code. The maximum for a stand-up function was 400.

Mr. Reis stated that when they do the DP/ADLS application and go through the TAC process, which goes through the Fire Department, they will probably focus in on the floor plan. It will be under Indiana State Code for maximum occupancy.

Mr. Dierckman felt that would be a leading indicator for the number of cars. They had obviously done a lot of research, but wondered if the Staff had done any research on the parking from other sources.

Mrs. Conn stated that the Department goes by the requirements for a full service hotel in the Parking Ordinance.

Mr. Dierckman inquired about the ballroom space.

Mr. Dammeyer stated that it was 7,200 square feet. The hotel customers are the business function customers. It is not outside people. It is not a catering hall with outside people coming in.

Mr. Dierckman asked the square footage of the Ritz Charles and the number of parking spaces. He felt that might be a good comparison.

Mrs. Torres felt that it was interesting that they felt most of the ballroom customers would be hotel clients. Carmel is kind of limited for places to have a nice reception. She felt the majority for a reception would not be overnight guests.

Mr. Dammeyer stated they did have a good draw in the hotel rooms. From the reception standpoint, it is not one car per person. For that type of function, people come together in one vehicle. In eleven years of operating these facilities, they have never had a parking problem.

Mr. Daub stated that the last thing they wanted to do was wind up short on parking. That was why they had generated the study. Obviously they wanted to commit as little acreage as possible to parking. Often times people from the local community will attend a wedding together. Many times they are also occupying the hotel.

Mr. Dierckman did not question their reasoning behind what they were doing. The Board represents the community and they needed to do their due diligence relative to confirmation of what was proposed. He felt the information was very good and lead the Board to a conclusion, but they needed verification of similar occupancy and uses in the area. Otherwise the Board could stipulate that a parking garage be built, if they deemed more parking was needed.

Mr. Daub stated that economically they could not build a parking deck.

Mr. Reis felt there was more than adequate parking at the Ritz Charles and he understood the need for confirmation. However, he did not want to over-park it as they have done in the past.

Mrs. Torres wanted clarification on the number of hotel rooms and ballroom space. If the number of rooms had been reduced, had the ballroom and conference space also been reduced?

Mr. Dammeyer stated that it was the same commercial space as the hotels with 295 hotel rooms. The guestroom tower with 295 rooms was reduced by one structural bank or 32 guest rooms.

Mr. Dierckman asked the height of the Clarian Hospital building and the height of their letters. He knew it was eight floors, but how tall was it.

Mr. Dammeyer did not know the height of the Clarian, but he was told the size of the letters is 3 feet 5 inches. The total of the north and south elevations is 316 square feet for signage, because there are two signs on the north elevation and two signs on the south elevation. It also says on that building "Riley North Hospital", so there are two signs on each elevation totaling 316 square feet in their PUD.

Mr. Dierckman felt that gave them some interesting perspective for size and impact on a building that the community needed to be able to find. It might be a good indicator for size and what is necessary for notification.

Mrs. Torres felt that consistency of signage for every one was important.

Mr. Hawkins asked to see the scale chart again and wanted to know where a size made to Ordinance would fit on the scale.

Mr. Dammeyer stated that if the 150 square foot criteria are used, it would be a 4-foot high sign. If a 5-foot sign is used, which is slightly higher than recommended by the Department, it is 236 square feet. It goes back to the visibility and readability from the highway and how it looks on the elevation.

Mr. Hawkins stated that the scale looks good, but it is a huge sign. He knew it was so traffic could see it before 116th Street or 126th Street. However, if someone misses it, they can simply turn at the next road. It is not as if they would get shut off for miles.

Mr. Dammeyer agreed. It is appropriately sized. The sign is two percent of the gross area of the elevation. The Hilton sign is five percent of its elevation. The Hilton Garden Inn is on the small side of its building and the Renaissance sign is on the large side of its building. The Hilton sign, as listed in the packet, is seven feet total height and twenty-four feet in length. It is a stacked sign.

Mr. Daub stated that the 6-foot sign would be the smallest sign they have ever put on one of these buildings. In the past, their signs have either been seven or eight feet because they need awareness. They came prepared to compromise with a five-foot sign, although they would like it to be six feet. This compromise looks equally good and would satisfy their need for having a very prominent hotel with a very visible sign that would allow them to get the awareness they need in the community.

Mr. Dammeyer added that the five-foot sign would be 47 feet plus some inches long and would be 237 square feet. It fits the building nicely, although they have a bias for the six-foot sign. It would still allow a nice prominent presence as people drive up and down the US 31 corridor.

Mr. Daub stated that the problem they had with the Ordinance was that it did not dictate the maximum height of the letters, but the total square footage of the sign. They are at a disadvantage because of the number of letters in the name of the hotel. If it were a Marriott or a one-letter name, the sign could be significantly larger, because of the number of letters.

Mr. Dammeyer stated that the Westin sign at the same height would only be 186 square feet. It would be one foot less than the "M" in the Meijer grocery store. They have studied every sign in the community and tried to come properly prepared.

Mr. Hawkins asked who the customer would be since they need signs for awareness, but do not need parking.

Mr. Daub stated that not all of the different kinds of customers they attract to the facility are at the hotel at the same time. Today a 263-room hotel is a large hotel. It is a significant investment and it has gotten more difficult to fill the hotel because of the proliferation of growth of the limited hotels that take a much smaller financial investment. Their hotel has been impacted by those types of facilities, so they need to attract the business customer who works downtown and lives in this community. They need to have them bring their business out into this community, typically for a daytime business meeting. The hotel sleeping rooms are vacant, so there is plenty of parking. Most hotels have low occupancy on Fridays, Saturdays and Sundays, so they do not have a full hotel and a full ballroom with a social function going on. If they were not satisfying the customer with parking, they would not be presenting this proposal. As a Marriott, this hotel prototype has finished consistently in the top 25 percent for their brand. They had a hotel finish #1 in their brand in customer satisfaction in two separate years. They currently have three hotels in the top 10 in their system. They are the exact

physical plant with a different name, but the same company operating the hotel and delivering customer satisfaction at the level they are committed to.

Mr. Dierckman asked if Marriott was the next step above.

Mr. Daub stated that Renaissance is an emerging brand that competes directly with Westin and attracts a different customer base than the Marriott. The Marriott has the older business traveler, but today the younger business traveler is much more likely to be attracted to the Renaissance brand. It is very contemporary, attractive and upscale and performing at 110 percent in the market. It competes very well with the Marriott or any other upscale hotel in the Indianapolis area.

Mr. Broach stated there had been thousands of hours spent on the US 31 corridor making it a very unique area in the City with an Overlay with extra hoops to go through, in addition to the regular zoning. Because it is such a special area, they are very concerned about signage. He understood their desire to have a large sign, but they need to work within the constraints. He wanted to know the Staff's basis for the 4.47 suggestion.

Mrs. Conn stated that the 4.47 would get the sign close to the Clarian sign that was approximately 198 square feet.

Discussion followed regarding the height of the Clarian Hospital. Its eight floors were probably taller because of the equipment/mechanics needed between the floors.

Mr. Dammeyer stated that their stories were almost always a smaller floor-to-floor height than any other commercial facility. They are 9 feet 8 inches floor-to-floor.

Mr. Hawkins asked about the 10-foot ground sign along Pennsylvania. He felt it was exorbitant and wanted to know the next highest sign.

Mrs. Conn stated that the Department is in favor of that sign height. The overall design is actually a six-foot sign setting on a four-foot base. Landscaping will surround the base. The maximum height of a ground sign would be seven feet tall on Pennsylvania.

Mr. Dierckman stated that he thought the Board had given variances to the two hotels down the street. Did the Department know the height of those signs?

Mrs. Conn stated they had not looked into that, but they could.

Mr. Dierckman felt they should from a standpoint that those signs are a visible size. He was not against the hotel; he just wanted to make sure the Board had done enough due diligence for their evaluation.

Mr. Hawkins asked how many parking spaces they had to begin with.

Mr. Dammeyer stated with the 506 spaces for 302 rooms at Cincinnati Northeast, they had 200+ empty spaces every night they took the study. At 96 percent occupied, they had 242 empty spaces. They decided they needed to get a little smarter as to the exact count needed.

Mrs. Torres asked if the counts were only taken in the month of August.

Mr. Dammeyer stated that is their busiest month.

Mr. Reis had questioned the number of parking spaces. The Petitioner has a good handle on their functions and because customer service is so important, they would not book functions to the extent that they felt they would not have adequate parking. There could be a commitment that the hotel would book functions so there are an adequate number of parking spaces.

Mr. Molitor stated there had been a desire from some of the Board members to get information about some other properties. They could take a 15-minute recess to allow the Department to pull some of the numbers together this evening instead of continuing it for another month.

The Board voted unanimously to table the Public Hearing of this Petition while the Department gathered some information.

While the Department was gathering the information, the meeting continued under New Business to discuss the changes to the Rules of Procedure.

Mrs. Plavchak left the meeting at this time (7:50 PM).

I. Old Business

There was no Old Business.

J. New Business

Mr. Molitor stated that the change came up as the result of the Cingular Cell Tower proposal because of the agreement to let it sit (table it) until the October 23 meeting. When they looked at the Rules of Procedure, they found they were not firm as to whether the Board could demand a Petitioner to make a new Public Notice if they are put off for three months. They were concerned about Petitioners having the ability to sandbag remonstrators by coming in and then, at the last minute, asking the Board to continue the Petition until the next month. That would wear down the remonstrators if the Petitioner continued to do that. They felt it should be tightened up to allow one tabling under certain circumstances. But if they went beyond that, the Board would need to suspend the Rules unless they offered to provide new Public Notice. In the Cingular case, they have agreed to provide the new Public Notice. This would apply to future situations. If the Petitioner is tabling an item for more than two months, they agree to give new Notice; unless they can convince the Board they have a hardship situation. Then the Board could suspend the Rules. Generally the rule would be that they would get one tabling, and then they would need to provide new Public Notice every time. If there were only three Board members present or the Board decided at its own discretion that it wants to continue a Petition for reasons related to the contents of the hearing, then it could be tabled.

Mr. Hawkins asked if it precluded the Board from tabling a Petition.

Mr. Molitor stated that if the Board decided to table a Petition, then it is sufficient for the Board to announce the Public Hearing is going to be continued until the next month. The Petitioner does not have to give additional Notice when the Board continues a Petition. The Board would have complete

discretion to continue a Petition. If the Petitioner wishes to continue, they need to notify the Staff not less than five days in advance. That precludes the Petitioner from coming in to the meeting, seeing the number of remonstrators, and then asking to table.

Mrs. Torres asked to what items this would apply?

Mr. Molitor stated it would become effective immediately, but would not apply to items that have already been tabled. It would only affect any new Petitions.

Mr. Broach would be more in favor of letting the Petitioner have two tablings without additional Notice. Not every Petitioner is a big corporation. There are individuals with various petitions and it costs money to re-notice. In those cases, the Board could vote to suspend the Rules.

Mr. Dierckman agreed, but felt those were the ones that the Board could vote to suspend the Rules.

Mr. Molitor stated that it could be changed to read "two tablings" unless they agree to provide new Notices. That still precludes them from coming to the meeting and asking to be tabled after they see the room full of remonstrators.

Mr. Broach asked if they come in the day of the meeting and ask to table would they then need to re-notice?

Mr. Molitor stated they could request the tabling, but the Board would need to grant it.

Mr. Hawkins felt the changes were fine and if there was a hardship, the Board could suspend the Rules. That would prevent someone from trying to gauge the remonstrance and then continuing it to an inconvenient time for the remonstrators.

Mr. Molitor was not saying anyone had abused it. But they did look into it after the Cingular Petition. Some of the neighbors felt they should get additional Notice and the Board went ahead and said they would like Cingular to give additional Notice. When they looked at the Rules, they did not feel it was firm in the Rules to require Cingular to re-notice.

Mr. Broach moved to approve the Amendment to the Rules as drafted by the attorney. The motion was seconded by Mr. Dierckman and **APPROVED 4-0**.

The recess continued until the Staff returned.

Mr. Dierckman moved to reconvene the Public Hearing. The motion was seconded by Mr. Hawkins and **APPROVED 4-0**.

The Public Hearing for 10-14h. Renaissance Hotel resumed.

Mrs. Conn gave information the Department had researched. Mr. Hollibaugh was also printing out some information for The Ritz Charles and The Fountains. The ground sign for the hotels south of this location is 7 feet 6 inches tall. The sign is stacked and is for both hotels. The sign for Jameson Inn is 4 feet 7 inches tall for the ground sign in the US 31 corridor. The Meijer sign is 10 feet tall by 25 feet in width and the building width is 600 feet.

Mr. Hollibaugh stated that The Fountains advertises their facility at 16,000 square feet and there are approximately 300 spaces in the core, plus another 100 in the retail area. It was not easy to put together the information for The Ritz. The building measures out to be about 30,000 square feet. There are offices and corridors included. They promote 5 ballrooms that handle 1,000 guests. They also have a chapel for 260 and the garden room which handles around 300. By his calculations, they have about 620 parking spaces.

Mr. Dierckman remembered the stacked hotel sign. The Board approved the 7 feet 6 inches because there were two signs. They had the option to do individual signs on each of their properties. He did not see the need for a 10-foot sign for the Renaissance. He asked about the height of the Clarian Hospital.

Mrs. Conn did not think she had the right measurement. She was told 178 feet tall, but she did not feel that was right.

Mr. Dierckman said that probably included the power plant on top of the building.

Mr. Dammeyer stated the Renaissance roof deck is 74 feet 10 inches and the overall parapet height was 98 feet plus or minus.

Mrs. Torres felt comfortable with the parking because it is their product. They are customer service oriented and they have done their parking studies. The sign orientation and total number of signs makes sense. It was just the square footage and ground sign height.

Mr. Dierckman stated he was also comfortable with the parking. He was uncomfortable with the ground sign and the overall size of the sign on the building, even at 5 feet.

Mr. Hawkins asked about the maximum height of a ground sign.

Mrs. Conn stated it was seven feet.

Mr. Dammeyer thought the 6-foot was the requirement because they were not more than 300 feet away. They would be comfortable with a six-foot ground sign with the appropriate landscaping, especially if they were afforded the 5-foot sign on the building. From a channel letter perspective, the 4.47-foot sign would be hard to make, but the 6-foot and 5-foot sizes are copyrighted sizes. The reason for the height of the ground sign was that periodically a car would be in the driveway in front of the sign, making it hard to see.

Mr. Daub wanted just one more opportunity to address the sign on the building. If the name were something other than Renaissance, there would not be a problem with a certain number of letters, such as Westin. They believed that 5 feet was the appropriate size sign. Visually the difference between a 4-foot 9-inch sign and a 5-foot sign that is roughly eighty feet off the ground would not be realized. The significance of the sign will be drawn more to the width of it than the height. The difference between the 5-foot sign (237) and the six-foot sign (362) is a reduction of almost 50 percent total square footage. It was also a matter of cost. They know they can buy a five-foot sign. To do something that is 4 feet and some inches would need to be custom-made.

Mr. Dammeyer stated the sign would be burgundy red.

Mr. Reis stated that it was protected because certain companies do have protected rights with regard to color.

Mr. Dierckman asked if they had the ability to negotiate with regard to the hotness of the sign when it is burning.

Mr. Dammeyer stated that it was an internally lit sign, either LED or neon tube sign. It would not be a bright sign.

Mrs. Conn stated with other signs in the corridor there is an option for day/night plex. In the daylight it is one color and at night with the perforations, it shines through white.

Mr. Dammeyer stated it is a color lens and the lighting behind it is white, so it comes through as the burgundy color.

Mr. Reis stated the color of the sign will be discussed with the ADLS application at Plan Commission. The intensity of the light is the purview of the Plan Commission, but he did not feel they could change the color.

Mr. Dierckman stated that Mrs. Plavchak said before she left that the Clarian sign is actually too small for the building and he agreed with her.

Mr. Dammeyer stated the Clarian sign is 3 feet 5 inches by 58 inches for the one sign and the second sign is the same height with fewer letters.

Mr. Hawkins was comfortable if the ground sign was limited to 6 feet and the sign square footage on the building, which they were really talking height of letters, was going to be 5 feet in height.

Mrs. Torres wanted to confirm that the 6-foot ground sign would include any base.

Mr. Dammeyer confirmed the size of both signs.

Mr. Dierckman moved to approve **Docket No. 06070014 V, reduced number of parking spaces**. The motion was seconded by Mr. Broach and **APPROVED 4-0**.

Mr. Dierckman moved to approve **Docket No. 06070015 V, total number of signs**. The motion was seconded by Mr. Broach and **APPROVED 4-0**.

Mr. Broach moved to approve **Docket No. 06070016 V, sign square footage**, with the **Condition** that the letters be limited to 5 feet in height by 47 feet for a total square footage of 237 square feet. The motion was seconded by Mr. Hawkins

Mr. Reis asked Mr. Broach to also state for the record that the ground sign will be at the permitted 6 feet, because the ground sign area was also mentioned in the variance.

Mr. Broach amended his motion as stated by the Petitioner. The motion was **APPROVED 3-1**, with Mr. Dierckman casting the negative vote.

Docket No. 06070017 V, ground sign height was **WITHDRAWN** since the ground sign would meet the Sign Ordinance specifications.

Mr. Broach moved to approve **Docket No. 06070018 V, signs oriented north/south**. The motion was seconded by Mr. Dierckman and **APPROVED 4-0**.

K. Adjournment

Mr. Dierckman moved to adjourn. The motion was seconded by Mr. Hawkins and **APPROVED 4-0**. The meeting adjourned at 8:40 PM.

James R. Hawkins, President

Connie Tingley, Secretary